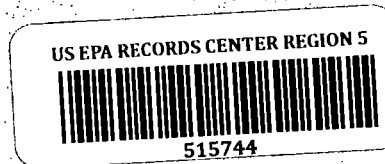


UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

5/20/82

DATE: 18 MAY 1982
SUBJECT: Reilly Tar Case
FROM: Robert E. Leininger
Office of Regional Counsel
TO: Roger M. Grimes
Chief, Legal Section



Last week I received a copy of a letter sent to the counsel for Reilly Tar by the U.S. Attorney's office stating that the lead attorney for the United States would now be Erica Dolgin. I immediately called Erica and she said that Frank Hermann, the assistant U.S. Attorney assigned to the case, had discussed the possibility of transferring the lead back to DOJ but that she was surprised to learn about it as a "fait accompli" by being copied on the attached letter.

Frank Hermann was in Duluth all last week but I was able to contact him today. He said that he would still be involved in the case in a "limited capacity" in that he would still maintain a file on the case and try to keep up with it. The reason the lead was transferred back to DOJ was because Hermann could not afford to spend enough time on the case.

I asked if he would still be able to help with the trial work and he said that he wasn't sure. I expressed my concern that Erica does not have the expertise as a litigator that the U.S. Attorney's office can provide. He said that he could understand my concern but that there isn't anything he can do about it. He said that he may be able to work on the case as it nears trial but suggested that Erica may not go along with it.

I called Erica again to discuss the matter. She said that she has been the lead attorney in two environmental trials but neither case was as big as Reilly. I stressed the importance of having a seasoned litigator on our side at trial and she agreed that we need additional help in that respect. She said that as we get closer to trial we can bring in additional help from the U.S. Attorney's office or DOJ but she didn't think that we need to worry about it now.

I think that we should have better assurance from either the U.S. Attorney's office or DOJ that someone will be brought in to help with the litigation with enough lead time to be able to get up to speed for trial. I would like to talk to you about how we can get such assurance.

cc: ✓ Ullrich
Gardebring
Schulteis/Walker
Bitter
Taliaferro

*United States Attorney
District of Minnesota*

234 United States Courthouse
Minneapolis, Minnesota 55401

FTS/781-7430
612/332-8961

May 5, 1982

Edward J. Schwartzbauer
Attorney at Law
Dorsey, Windhorst, Hannaford,
Whitney & Halladay
2200 First Bank Place East
Minneapolis, MN 55402

Dear Mr. Schwartzbauer:

Re: United States, et al v. Reilly Tar
& Chemical Corporation, et al
Civil No. 7-80-469

Effective immediately Erica Dolgin of the Department of Justice, Environmental Enforcement Section is designated the lead attorney in this matter representing the United States of America, Environmental Protection Agency. Ms. Dolgin's address and telephone number are:

U.S. Department of Justice
Land & Natural Resources Division
Environmental Enforcement Section
Room 1507
10th and Pennsylvania Avenue NW
Washington, DC 20530

Telephone: (202) 633-5258

Please address all original correspondence to her, sending a carbon to the office of the United States Attorney, Attention: Francis X. Hermann.

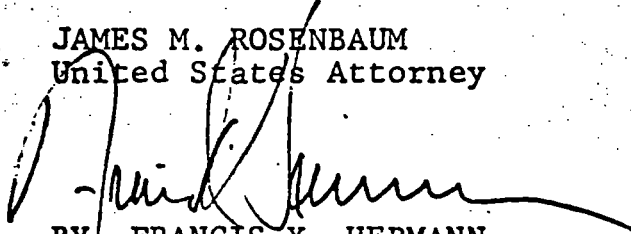
May 5, 1982

This office remains available to all parties for whatever purpose may be deemed appropriate.

Thank you for your cooperation.

Sincerely yours,

JAMES M. ROSENBAUM
United States Attorney



BY: FRANCIS X. HERMANN
Assistant U.S. Attorney

cc: Stephen Shakman, Esq.
Allen Hinderaker, Esq.
Joseph C. Vesely, Esq.
Thomas W. Wexler, Esq.
Laurance R. Waldoch, Esq.
James T. Swenson, Esq.
Erica Dolgin, Esq.
Richard Emory, Jr., Esq.
✓ Robert Leininger, Esq.
Rosemarie R. Schlichting,
Calendar Clerk for Judge Magnuson